

TOWN OF ABINGDON, VIRGINIA
REGULAR COUNCIL MEETING
MONDAY, FEBRUARY 6, 2006 – 7:30 P.M.
MUNICIPAL BUILDING

The regular meeting of the Abingdon Town Council was held on Monday, February 6, 2006 at 7:30 P.M. in the Council Chambers of the Municipal Building.

A. ROLL CALL

Members of Council present: Mayor Lois H. Humphreys
Dr. French H. Moore, Jr., Vice Mayor
Mr. Robert M. Howard
Mr. Thomas C. Phillips, Jr.
Mr. Edward B. Morgan

Comprising a quorum of the Council

Administrative Staff: G. M. Newman, Town Manager
Greg Kelly, Town Attorney
Mark Godbey, Finance Director
C. M. Vernon, Jr., Public Works Director
Garrett Jackson, Planning Director
Jim Smith, Town Engineer
Chris Johnson, Parks & Recreation Director
James Aigner, Parks & Recreation Department
Tony Sullivan, Police Chief
Jim Hicks, Safety/Human Resources Director
John F. McCormick, Assistant Fire Chief
Linda F. Wilson, Town Clerk

Visitors: Kenny Hobbs, Richard Quesenberry, Steve Smith, Charlie Smith, Emmitt Yeary, Carol Fields of Washington County News, Samantha Sieber of Bristol Herald Courier, and others

B. APPROVAL OF MINUTES – January 3, 2006 Work Session
January 3, 2006 Regular Meeting

Mr. Morgan made the motion that the minutes of the January 3, 2006 work session, and the January 3, 2006 regular meeting be approved as submitted. Dr. Moore seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

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D. CONSIDERATION OF ANY BIDS

1. Consideration – Recommendation for Employee Health Insurance for 2006.
(Jim Hicks, Chairman – 2006 Health Insurance Committee)

Jim Hicks, Safety/Human Resources Director advised that John Deere Insurance Company, the current provider, had submitted the low bid for employee health insurance for 2006. Following negotiations, the

renewal rate was reduced from 12% to 4.67%. Mr. Hicks recommended that the Town absorb the 4.67% increase in the amount of \$21,987.96.

Mr. Hicks also recommended that employees be assessed \$10 per pay period. The money would be held in a special interest bearing account to be used in the future to offset insurance increases and improve benefit coverage.

Mr. Morgan made the motion that the Town accepts the proposal for group health insurance for Town employees that was submitted by John Deere Insurance Company, and to make a deduction of \$10 per month from the pay checks of each participating employee to help defray the cost of the benefit. Mr. Hicks noted that the amount was \$10 per pay period. Mr. Morgan amended the motion to \$10 per pay period instead of \$10 per month. Mr. Howard seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
 Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

Mr. Howard made the motion to approve the recommendation of the Insurance Committee for the Town to absorb the \$21,987.96 increase in employee health insurance for 2006. Mr. Morgan seconded the motion.

Discussion included whether the \$10 assessment would be applied to the current premium increase, or accrued in a special account to apply toward increased premiums in the future.

Mr. Phillips felt it might be better to apply the employee assessment to the premium. He suggested that it be reduced from \$10 to \$5 per pay period, and that the Town cover the difference in that amount and the increase of \$21,987.96.

Mr. Morgan made the motion to rescind the previous actions regarding employee health insurance coverage. Dr. Moore seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
 Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

Mr. Morgan made an alternate motion that the Town of Abingdon accept the proposal for group health insurance submitted by John Deere Insurance Company, and that a deduction of \$5 per pay period be made from the wages of each participating employee to be used to help defray the cost of the employee benefit, and that the Town make up the difference of the increase between the amount of the employee deduction and the actual increase. Mr. Howard seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
 Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

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E. REPORTS FROM THE TOWN MANAGER

1. Consideration – Business License Fee and Tax Reduction Request,
Dutt & Wagner of Virginia, Inc. (Kenny Hobbs, General Manager)

Kenny Hobbs, General Manager of Dutt & Wagner of Virginia, Inc., reviewed a letter to Council wherein he asked them to consider the impact of the Town's business license tax on wholesale merchants.

Mr. Hobbs noted the Town's current tax rate for a wholesale business license: \$30, plus 13 cents per \$100 of gross purchases on the first \$3,000,000 or less, plus 10 cents per \$100 of gross purchases in excess of \$3,000,000. He reviewed the rates of other localities that have conformed to the State Code and charge 5 cents per \$100 instead of 13 cents per \$100. Mr. Hobbs concluded that in view of the current tax rate, would it be better to remodel or relocate?

Richard Quesenberry of C. R. Quesenberry, Inc. agreed with Mr. Hobbs. He requested that the Town bring its business license tax in line with that of the State Code.

Mr. Morgan made the motion that Town staff be requested to review the situation as presented, and make a recommendation to Council in the immediate future as part of the budget process regarding a rate adjustment to the wholesale business license tax. Dr. Moore seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
 Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

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2. Concerns Regarding the Operation of the VA Creeper Trail. (Steve & Charlie Smith)

Steve Smith advised that he and his brother Charlie are landowners along the Virginia Creeper Trail and have some concerns regarding the operation of the trail. Mr. Smith (Steve) presented pictures and provided detailed explanations of their concerns regarding the following:

- Fencing of the open pasture between trestle #7 and #8.
- Trail users and livestock co-mingle and present serious concerns of liability.
- Fencing adjoining the trail which was installed by the Town in 1984 has proven to be an ineffective livestock barrier, needs replacing or upgrading.
- Bench installed by the Virginia Creeper Trail Club, might interfere with mowing in work zone.
- Posting of signs at trailheads concerning hours of use, risk factors, hunting, camping, private ownership of land along trail, etc.
- Hours of operation of the trail.
- Use of private driveway by the Town of Abingdon, contractors, and trail users.

Mr. Morgan advised that he had reviewed the pictures and information provided by the Smiths. He felt they had raised some points that should be considered. He noted that work was currently underway for better signs. However, there would need to be a discussion of the various trail owners to coordinate the hours of operation. He felt the fenced areas should be looked into, and the Town Attorney would need to examine the deed.

Mr. Morgan suggested that Chris Johnson, Parks and Recreation Director, and Greg Kelly, Town Attorney, work with the Smiths during the next month in an effort to reach a consensus regarding their concerns.

Mr. Johnson replied that he had talked with Steve Smith several times, and would be happy to do so in the future. He noted that issues regarding the trail must be coordinated because it is a multi jurisdictional ownership. Some issues could be addressed by the Creeper Trail Advisory Board whose members represent adjoining land owners, the towns of Abingdon and Damascus, the Forest Service, and Washington County. Mr. Johnson added that he had already addressed the fencing issue with Council.

Mr. Morgan noted that the Creeper Trail Advisory Board is scheduled to meet on February 8 at 9:00 A.M. He invited the Smiths to attend. Mr. Steve Smith replied that he and Town need to work together.

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H. SECOND READING OF ORDINANCES

1. **SECOND READING** – Amendment to Zoning Ordinance to rezone both sides of Panacella Drive and known as ALL OF THE CAMPBELL SUBDIVISION DEVELOPMENT, from R-3 Residential District, to R-1 Residential District.

(Note: 1st reading approved at Public Hearing on 12/5/2005; 2nd reading inadvertently left off January Agenda)

Mr. Morgan made the motion to amend the Zoning Ordinance, on second reading, to rezone both sides of Panacella Drive and known as ALL OF THE CAMPBELL SUBDIVISION DEVELOPMENT, from R-3 Residential District, to R-1 Residential District. Mr. Howard seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
 Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

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2. **SECOND READING** – The addition of ARTICLE VI. PEDDLERS, VENDORS AND CANVASSERS TO Chapter 18 **BUSINESSES** of the Abingdon Town Code. (*Ordinance No. 2-2006*)

Mr. Howard made the motion to approve Ordinance No. 2-2006 on second reading. Dr. Moore seconded the motion. (copy attached to and made a part of these minutes)

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
 Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

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I. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

2. Presentation - Veterans Memorial Fund of Abingdon, Inc. (Emmitt Yeary, President)

Emmitt Yeary, President, represented the Veterans Memorial Fund of Abingdon, Inc. Mr. Yeary advised that over 2-1/2 years ago a tract of land was designated by Council as Veterans Memorial Park. A bronze yellow ribbon sculpture was dedicated at the Park on Veterans Day. As a token of appreciation to the citizens of the Town of Abingdon for its support of the Park, Mr. Yeary presented a photograph of the sculpture, to be displayed in the Municipal Building. Mr. Yeary read the inscription that will be placed on a bronze plaque near the sculpture.

Mayor Humphreys expressed appreciation for the photograph.

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J. MATTERS NOT UPON THE AGENDA

1. Mr. Morgan noted that the Taylor's Hill Advisory Board recently held their regular meeting. The consultant and Town staff had examined the concerns of some of the residents. A satisfactory resolution was achieved for the residents and community.

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I. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

1. Appointments – Richard A. Stevens – unexpired terms
 - a. Planning Commission – 6-year term to expire 3/31/2006
 - b. Board of Zoning Appeals – 3-year term to expire 4/30/2007

Mr. Phillips made the motion to go into Closed Session, pursuant to Sec. 2.2-3711(A)1, consideration of appointments to the Planning Commission and Board of Zoning Appeals. Dr. Moore seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – aye
 Dr. Moore – aye Mayor Humphreys – Aye

The motion carried.

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Mr. Phillips made the motion to reconvene in regular session. Mr. Morgan seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
 Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

The following certification was adopted.

Whereas, the Town Council of Abingdon, Virginia has convened in closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Whereas, Section 2.2-3712(D) of the Code of Virginia requires a certification by the Town Council that such closed meeting was conducted in conformity with Virginia law;

Now, therefore, be it resolved that the Town Council of Abingdon, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirement by Virginia law were discussed in closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

The roll call vote was: Mr. Morgan – I so certify Mr. Phillips – I so certify
 Mr. Howard – I so certify Dr. Moore – I so certify
 Mayor Humphreys – I so certify

The motion carried.

Mr. Morgan made the motion to appoint Gary Kimbrell to the Planning Commission to fill the 6-year unexpired term of Richard A. Stevens to expire on March 31, 2006. Mr. Phillips seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
 Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

Mr. Phillips made the motion to appoint Ed Morgan to the Board of Zoning Appeals to fill the 3-year unexpired term of Richard A. Stevens to expire on April 30, 2007. Mr. Howard seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
 Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

With no further business the meeting was adjourned. The time was 9:05 P.M.

Lois H. Humphreys, Mayor

Linda F. Wilson, Clerk